REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on April 26, 2005, and the references cited therewith.

Claims 1, 9-11, 16, 21-22, 24-28, and 32 are amended, claim 2 is canceled, and no claims are added; as a result, claims 1 and 3-32 are now pending in this application.

Applicant respectfully submits that claims 1, 9-11, 16, 21-22, 24-28, and 32 are fully supported by the originally filed specification. Specifically, support for the amendments to the claims can be found, among other places, on page 8, lines 4-10, and on page 13, lines 1-16.

Examiner Interview

Applicant thanks the Examiner for conducting an interview by phone on June 7, 2005. During this interview various claims were discussed in view of the cited references.

Claim Objections

Claims 10-11, 16, 22, 24, and 25 were objected to because of the following informalities: the term "can be" is not a positive limitation.

Claims 10-11, 16, 22, 24, and 25 have been amended to remove the term "can". Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 10-11, 16, 22, 24 and 25.

§102 Rejection of the Claims

Claims 1-4, 9, 12-13, 17-20, and 32 were rejected under 35 USC §102(b) as being anticipated by Tsai, et al. (U.S. Patent No. 6,405,149).

Claims 1-4, 9, 12-13, 17-20, and 32

The Tsai reference appears to describe a testing system for sending signals to and receiving response signals from a telecommunications system, such as a voice message system. (Col. 3, Lines 13-23). The Tsai reference appears to describe configuring a testing device to communicate with and test a media platform. (Col. 3, Lines 55-67). The Tsai reference does not describe a program that receives a

number of input variables including or representing configurable media platform resources.

In contrast, Applicant's independent claim 1, as amended, recites "an input means to provide input variables to the test tool" and a program that "receives a number of selectable input variables, including <u>configurable media platform resources</u>, to simulate multiple application characteristics associated with a service application on the media platform". Support for the language "an input means" can be found in the Applicant's specification on page 8, lines 4-10. Support for the language "configurable media platform resources" can be found in the Applicant's specification on page 13, lines 1-16.

Applicant's independent claim 9 recites a program that "receives a second number of input variables representing <u>configurable media platform resources</u>".

Applicant's independent claim 32 recites "providing a number of input variables representing <u>configurable media platform resources</u>".

Applicant's independent claim 17 recites "means for simulating <u>configurable media platform resources</u>". As noted above, Tsai does not describe a program for simulating configurable media platform resources.

As such, Applicant submits that each and every element and limitation is not provided in the Tsai reference to support a 102 rejection of independent claims 1, 9, 17, and 32, as amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection of independent claims 1, 9, 17, and 32, as well as all claims that depend therefrom.

§103 Rejection of the Claims

Claims 5-7, and 10-11 were rejected under 35 USC §103(a) as being unpatentable over Tsai, et al. (U.S. Patent No. 6,405,149) in view of Coleman (U.S. Patent No. 5,933,475).

<u>Claims 5-7 and 10-11</u>

Claims 5-7 depend directly or indirectly from independent claim 1, and claims 10-11 depend directly from independent claim 9.

As noted above, the Tsai reference appears to describe a testing system for sending signals to and receiving response signals from a telecommunications system, such as a voice message system. (Col. 3, Lines 13-23). The Tsai reference

appears to describe configuring a testing device to communicate with and test a media platform. (Col. 3, Lines 55-67). The Tsai reference does not describe, teach or suggest a program that receives a number of input variables including or representing configurable media platform resources.

As noted above, Applicant believes that independent claims 1 and 9 are allowable over the Tsai reference because the Tsai reference does not describe, teach or suggest a program that "receives a number of selectable input variables, including configurable media platform resources", as recited in amended independent claim 1, nor a program that "receives a second number of input variables representing configurable media platform resources", as recited in independent claim 9. The Colemen reference does not cure the deficiencies of the Tsai reference.

Accordingly, Applicant respectfully request reconsideration and withdrawal of the 103 rejection of dependent claims 5-7 and 10-11.

Claim 14 was rejected under 35 USC §103(a) as being unpatentable over Tsai, et al. (U.S. Patent No. 6,405,149) in view of Liese, et al. (U.S. Patent No. 6,425,096).

Claim 14

Claim 14 depends indirectly from independent claim 9. For the reasons provided above, the Applicant believes that independent claim 9 is allowable over the Tsai reference. The Liese reference does not cure the deficiencies of the Tsai reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 14.

Claims 15, 21-24, 26 and 29-31 were rejected under 35 USC §103(a) as being unpatentable over Tsai, et al. (U.S. Patent No. 6,405,149) in view of Fitch (U.S. Patent No. 5,633,909).

Claim 15

Claim 15 depends from independent claim 9. For the reasons provided above, the Applicant believes that independent claim 9 is allowable over the Tsai reference. The Fitch reference does not cure the deficiencies of the Tsai reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 15.

Claims 21-24, 26, and 29-31

As noted above, the Tsai reference appears to teach a testing system for sending signals to and receiving response signals from a telecommunications system, such as a voice message system. (Col. 3, Lines 13-23). The Tsai reference does not describe, teach, or suggest a program that receives a number of input variables including or representing configurable media platform resources.

In contrast, Applicant's independent claim 21, as amended, recites "selecting a number of scalable variables, including inputting configurable media platform resources, to define one or more application characteristics for different service applications".

Applicant's independent claim 26, as amended, recites "providing a second number of input variables to a program representing configurable media platform resources".

The Fitch reference does not cure the deficiencies of the Tsai reference.

As such, each and every element and limitation of independent claims 21 and 26 are not provided by the references, either independently or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 21 and 26, as well as all claims that depend therefrom.

Claims 27 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Tsai, et al. (U.S. Patent No. 6,405,149) in view of Fitch (U.S. Patent No. 5,633,909) and further in view of Coleman (U.S. Patent No. 5,933,475).

Claims 27 and 28

Claims 27 and 28 depend directly from independent claim 26. For the reasons provided above, Applicant believes that independent claim 26 is allowable over the Tsai reference. The Fitch and the Coleman references do not cure the deficiencies of the Tsai reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 27 and 28.

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Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Tsai, et al. (U.S. Patent No. 6,405,149) in view of Coleman (U.S. Patent No. 5,933,475) and further in view of Liese, et al. (U.S. Patent No. 6,425,096).

Claim 8

Claim 8 depends from independent claim 1. For the reasons provided above, Applicant believes that independent claim 1 is allowable over the Tsai reference. The Coleman and Liese references do not cure the deficiencies of the Tsai reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 8.

Allowable Subject Matter

Claims 16 and 25 were objected to as being dependent upon rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks Examiner for acknowledging the allowable subject matter in connection with these claims.

For the reasons provided above, the Applicant believes independent claims 9 and 21, from which claims 16 and 25 respectively depend, are presently in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 16th day of June, 2005.

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